

FILED

SEP 11 2012

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

V.

JEROME MAURICE COLE (1),
NANCY FOLEY (2),

Defendants

* CRIMINAL NO. **W12CR208**

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INDICTMENT

[VIO: COUNT ONE and COUNT TWO: 18
U.S.C. 1591(a) – Sex Trafficking of
Children; COUNT THREE: 18 U.S.C.
1594(a) – Attempted Sex Trafficking of
Children; COUNT FOUR: 18 U.S.C. 371
{18 U.S.C. 1952(a)(3)} – Conspiracy to
Promote a Business Enterprise Involving
Prostitution]

THE GRAND JURY CHARGES:

COUNT ONE

[18 U.S.C. 1591(a)]

On or about April 30, 2012, in the Western District of Texas, the Defendant,

JEROME MAURICE COLE,

knowingly, in and affecting interstate commerce, recruited, enticed, harbored, transported, provided, obtained, and maintained by any means a person, to wit: "C.A.," who had not attained the age of 18 years, knowing that "C.A." would be caused to engage in a commercial sex act, in violation of Title 18, United States Code, Section 1591(a).

COUNT TWO

[18 U.S.C. 1591(a)]

On or about April 30, 2012, in the Western District of Texas, the Defendant,

JEROME MAURICE COLE,

knowingly, in and affecting interstate commerce, recruited, enticed, harbored, transported, provided, obtained, and maintained by any means a person, to wit: "J.H.," who had not attained the age of 18 years, knowing that "J.H." would be caused to engage in a commercial sex act, in violation of Title 18, United States Code, Section 1591(a).

COUNT THREE
[18 U.S.C. 1594(a)]

On or about August 15, 2012, in the Western District of Texas, the Defendant,

JEROME MAURICE COLE,

knowingly, in and affecting interstate commerce, attempted to recruit, entice, harbor, transport, provide, obtain, and maintain by any means a person, to wit: "A.W.," a person who had not attained the age of 18 years, knowing that "A.W." would be caused to engage in a commercial sex act, in violation of Title 18, United States Code, Section 1594(a).

COUNT FOUR
[18 U.S.C. 371 {18 U.S.C. § 1952(a)(3)}]

From on or about April 1, 2012, the exact date unknown, and continuing until the present time, in the Western District of Texas and elsewhere, the Defendants,

JEROME MAURICE COLE,
and
NANCY FOLEY,

and other persons, both known and unknown to the Grand Jury, did unlawfully and willfully combine, conspire, confederate and agree together and with each other and others, to use a facility in interstate commerce, namely the internet and cellular telephones, with the intent to promote, manage, establish, carry on and facilitate the promotion, management, establishment and carrying on of an unlawful activity, that is, a business enterprise involving prostitution in violation of Texas Penal Code 43.05 (Compelling Prostitution), and thereafter performed and

attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management, establishment and carrying on of such unlawful activity, in violation of Title 18, United States Code 1952(a)(3), and in violation of Title 18, United States Code, Section 371.

The objects and purposes of the conspiracy were as follows:

The Defendants desired to promote, manage, establish, carry on and facilitate an illegal business enterprise involving prostitution by using cellular telephones and the internet.

During the course of and in furtherance of the conspiracy and in order to accomplish the objects thereof, the following overt acts, among others, were committed in the Western District of Texas:

1. On or about April 30, 2012, Defendant Cole recruited "C.A." to work for Defendant Cole as a prostitute by contacting "C.A." through text messaging with a cellular telephone.
2. On or about April 30, 2012, Defendant Foley photographed "C.A." in sexually suggestive poses with Defendant Foley's cellular telephone and then Defendant Foley sent the photographs of "C.A." through text messaging to Defendant Cole's cellular telephone.
3. On or about April 30, 2012, Defendant Cole posted an ad for prostitution services performed by "C.A." and "J.H." through the internet, on Backpage.com.
4. On or about April 30, 2012, Defendant Cole and Defendant Foley received responses from the ads posted on the internet website Backpage.com, requesting prostitution services to be performed by "C.A.," on cellular telephones.

5. On or about April 30, 2012, Defendant Cole received money which was paid for the prostitution services provided by "C.A.," and half of the money paid for the prostitution services provided by "J.H."

6. On or about August 15, 2012, Defendant Cole attempted to recruit "A.W." to work for the Defendant Cole as a prostitute, through the use of the internet website, Facebook.com.

All in violation of Title 18, United States Code, Section 371.

A TRUE BILL:


SEALED DOCUMENT PURSUANT
TO E-GOVERNMENT ACT OF 2002

FOREPERSON

ROBERT PITMAN
United States Attorney



By: MARY F. KUCERA
Assistant United States Attorney



By: GEOFF BARR
Special Assistant United States Attorney

SEALED _____

UNSEALED X

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

W12CR208(1)DATE: 09-11-2012MAG CT. # W12-190M

CASE NO. _____

COUNTY: BELL

JUDGE WALTER S. SMITH, JR.

ASSISTANT U. S. ATTORNEY MARY F. KUCERADEFENDANT: JEROME MAURICE COLE (1)DOB: [REDACTED]CITIZENSHIP: United States X Mexican _____ Other _____INTERPRETER NEEDED: Yes _____ No X Language _____DEFENSE ATTORNEY: Anthony SmithDEFENDANT IS: In Jail YES WHERE: McLennan County Jail
On Bond NOPROSECUTION BY: INFORMATION _____ INDICTMENT XOFFENSE: (Code & Description): COUNT ONE and COUNT TWO: 18 U.S.C. 1591(a) – Sex Trafficking of Children; COUNT THREE: 18 U.S.C. 1594(a) – Attempted Sex Trafficking of Children; COUNT FOUR: 18 U.S.C. 371 {18 U.S.C. 1952(a)(3)} – Conspiracy to Promote a Business Enterprise Involving ProstitutionOFFENSE IS: FELONY X MISDEMEANOR _____MAXIMUM SENTENCE: COUNT ONE, COUNT TWO and COUNT THREE: Not less than 15 years nor more than life custody; \$250,000 fine; \$100 special assessment; not more than 5 years TSR; COUNT FOUR: Not more than 5 years custody; \$250,000 fine; \$100 special assessment; not more than 3 year TSRPENALTY IS MANDATORY: YES concerning:
Special Assessment and TSR
Mandatory Minimum

REMARKS:

SEALED _____

UNSEALED X

PERSONAL DATA SHEET
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

DATE: 09-11-2012

MAG CT. # _____

CASE NO. _____

W12CR208 (2)

COUNTY: BELL

JUDGE WALTER S. SMITH, JR.

ASSISTANT U. S. ATTORNEY MARY F. KUCERA

DEFENDANT: NANCY FOLEY (2)

DOB: _____

CITIZENSHIP: United States X Mexican _____ Other _____

INTERPRETER NEEDED: Yes _____ No X Language _____

DEFENSE ATTORNEY: _____

DEFENDANT IS: In Jail NO WHERE: _____
On Bond NO

PROSECUTION BY: INFORMATION _____ INDICTMENT X

OFFENSE: (Code & Description): COUNT FOUR: 18 U.S.C. 371 {18 U.S.C. 1952(a)(3)} – Conspiracy to Promote a Business Enterprise Involving Prostitution

OFFENSE IS: FELONY X MISDEMEANOR _____

MAXIMUM SENTENCE: COUNT FOUR: Not more than 5 years custody; \$250,000 fine; \$100 special assessment; not more than 3 year TSR

PENALTY IS MANDATORY: YES concerning:
Special Assessment and TSR

REMARKS: